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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
20–28 February 2018

Draft report

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II. Maintenance of international peace and security

1. The Special Committee considered the item entitled "Maintenance of international peace and security" during the general exchange of views held at its 287th and 288th meetings, on 20 February 2018, and at the 1st and 2nd meetings of the Working Group of the Whole, on 21 and 22 February.

2. In their general comments, some delegations reaffirmed that the reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter of the United Nations, and that the General Assembly remained the chief deliberative, policymaking and representative organ of the United Nations. Some delegations expressed their concern that the Security Council had encroached on the functions and competences of the General Assembly and the Economic and Social Council by addressing issues that fell within the competences of those organs. The view was expressed that there was a need to achieve the delicate balance envisaged by the Charter between the functions and powers of the principal organs of the United Nations. It was further emphasized that the Special Committee was the appropriate forum for examining the legal aspects of those issues.

3. It was also noted that communications to the Security Council under Article 51 of the Charter had increased, in particular with regard to counter-terrorism operations. Delegations warned against a reinterpretation of the law on self-defence and an expansion of exceptions to the general prohibition on the use of force contained in Article 2, paragraph 4, of the Charter, in an irregular manner. It was also suggested that all such communications be listed separately on the website of the Council.

Please recycle

A. Implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions

4. The Special Committee considered the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions during the general exchange of views held at its 287th and 288th meetings, on 20 February, and at the 1st meeting of the Working Group of the Whole, on 21 February.

5. During the general exchange of views on the issue, several delegations emphasized the importance of the consideration of assistance to third States affected by the application of sanctions. The view was expressed that the Security Council should take a prudent and responsible approach to this issue in order to minimize the impact of sanctions on the general public and third States. While it was acknowledged that no formal requests for assistance had been made since 2003, it was noted that the item should be retained for preventative purposes. It was also suggested that the item had been overtaken by events and that its inclusion on the agenda of the Special Committee should be reconsidered.

Briefing

6. At its 1st meeting, the Working Group of the Whole was briefed by representatives of the Department of Political Affairs and the Department of Economic and Social Affairs of the Secretariat on developments relating to paragraph 12 of the report of the Secretary-General on the question (A/72/136), as requested by the General Assembly in paragraph 5 of its resolution 72/118. The representatives provided general information about the mechanisms available to monitor and evaluate sanctions regimes, to prevent adverse consequences of sanctions and to provide, upon request by the Security Council, assistance to third States affected by the application of sanctions.